

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 NEAE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 OMB-01 (ISO) W

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O P 041333Z AUG 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 385

AMCONGEN BOMBAY PRIORITY

AMCONGEN CALCUTTA PRIORITY

AMCONGEN MADRAS PRIORITY

AMEMBASSY ISLAMABAD PRIORITY

C O N F I D E N T I A L NEW DELHI 10493

E.O. 11652: GDS

TAGS: PINT, PINS, IN

SUBJECT: PRIME MINISTER MOVES TO NEGZZBLGROUNDS OF HER PENDING  
COURT CASE

REF: V.A.S. MUHAMMAD MECON, JUNE 17, 1975

1. MRS. GANDHI'S ELECTION CASE NOW BEFORE THE SUPREME COURT IS QUICKLY BECOMING A MATTER OF ONLY ACADEMIC INTEREST WITH THE INTRODUCTION IN PARLIAMENT OF A BILL TO AMEND THE REPRESENTATION OF THE PEOPLES ACT (RPA). CONSIDERATION OF THE BILL IS EXPECTED TO TAKE TWO DAYS AT THE MOST. WITH THE OPPOSITION BOYCOTT IN PARLIAMENT, IT WILL PASS WITH AN OVERWHELMING MAJORITY AFTER A PRO-FORMA DEBATE.

2. THE GOI'S AMENDMENT BILL HAS RETROACTIVE EFFECT. IT CHANGES THE RPA PROVISION UNDER WHICH JUDGE SINHA FOUND MRS. GANDHI GUILTY OF ILLEGAL CAMPAIGN PRACTICES. THESE MAINLY DEAL WITH USING THE SERVICES OF PUBLIC OFFICIALS IN FURTHERING HER ELECTION PROSPECTS. IN ADDITION THE PROPOSED LEGISLATION VOIDS THE LEGAL GROUNDS OF THE CHARGES WHICH ARE THE SUBJECT OF RAJ NARAIN'S CROSS APPEAL TO THE SUPREME COURT: (1) THE USE OF THE COW AND  
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CALF SYMBOL, ALLEGED TO BE AN APPEAL TO COMMUNAL SYMPATHIES AND

(2) THE USE OF PUBLIC FUNDS FOR THE PM'S PERSONAL CAMPAIGN.

3. COMMENT: MRS. DANDHI'S LEGISLATIVE EFFORTS THIS SESSION MAY NOT STOP WITH NEGATING THE GOUNDS FOR THE CHARGES PENDING AGAINST HER IN THE SUPREME COURT. A SOURCE CONSIDERED RELIABLE TOLD AN EMBOFF AUGUST 4 THAT ON AUGUST 5 OR 6 THE GOI WILL INTRODUCE CONSTITUTIONAL AMENDMENT BILLS WHICH WILL CLEAR THE WAY FOR MRS. GANDHI TO ASSUME PRESIDENTIAL POWERS. WE ARE ENDEAVORING TO CONFIRM THIS REPORT. WE HAVE, HOWEVR, HEARD THAT PARLIAMENT WILL DEFINITELY BE EXTENDED TO AUGUST 7 AND PROBABLY TO AUGUST 12.

4. WE ARE POUCHING PROPOSED RPA AMENDMENT.  
SAXBE

NOTE BY OC/T: AS RECEIVED

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SUPREME COURT, LEGISLATIVE BILLS, POLITICAL TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 AUG 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ellisoob  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975NEWDE10493  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750268-1275  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Line Count:** 77  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ellisoob  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 AUG 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <06 AUG 2003 by ElyME>; APPROVED <26 NOV 2003 by ellisoob>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PRIME MINISTER MOVES TO NEGZZBLGROUNDS OF HER PENDING COURT CASE  
**TAGS:** PINT, PINS, IN, (GANDHI, INDIRA)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006